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**WRITTEN STATEMENT OF ROBERT J. CABRAL
CHAIRMAN OF THE SAN JOAQUIN COUNTY
BOARD OF SUPERVISORS**

**CONCERNING THE CALFED DRAFT
PROGRAMMATIC EIR/EIS
AND SUPPLEMENTAL DOCUMENTS**

AUG 18 1999

**Public Hearing
Stockton, California**

August 18, 1999

My name is Robert J. Cabral. I am Chairman of the San Joaquin County Board of Supervisors. My comments are on behalf of San Joaquin County and the San Joaquin County Flood Control and Water Conservation District. Prior to September 23, 1999, more detailed written comments on our behalf will be presented. San Joaquin County water entities are in agreement as to their concerns with the present EIS/EIR and supporting documents. I will summarize our concerns and other San Joaquin parties will expand on areas of particular importance to them. Some of our comments will be repetitive because many of our prior concerns have not been addressed.

Of necessity, we are greatly concerned with the CALFED process. In the western portion of the County there are over 300,000 acres of highly productive Delta land. The eastern portion of San Joaquin County is an extremely productive agricultural area including large blocks of Class 1 soils and is devoted primarily to orchards and vineyards. The Lodi-Woodbridge area is recognized as one of California's quality wine producing areas. In addition, we have a population in excess of 530,000. Unfortunately, eastern San Joaquin County overlies a critically overdrafted groundwater basin. The Eastern San Joaquin Basin has been identified as subject to conditions of overdraft by the Department of Water Resources and by state statute. The inhabitants of the eastern portion of the County have been forced to rely too heavily upon the groundwater supply. Very simply, we waited for projects on which we were repeatedly told and required to rely by state and federal regulatory and planning agencies. Those projects were not constructed, leaving us at a late date without a water supply. We viewed New Melones as a partial fallback, but its dedication to different uses than contemplated when it was authorized and constructed has left us in a very bad position.

The effect of the overdraft has been declining groundwater levels and the intrusion of ancient deposits of marine brine which underlie the Delta. Any CALFED EIS/EIR which fails to consider the problem of the overdraft which in turn is directly linked to the use of New Melones to attempt, often unsuccessfully, to meet the present salinity standard at Vernalis, as well as other Delta flow requirements, is inadequate. We are disappointed there has still been a failure to directly address the issue.

Section 8.2 of the EIR/EIS deals with the "Regulatory Framework" for decisions and has two glaring omissions. Section 8.22 mentions the objectives of the Delta Protection Act, but there is no mention of the overriding Section 12204 which specifically provides that no water shall be exported from the Delta, which is necessary to meet the salinity control, and water, requirements of the Delta. We are further concerned that the Watershed Protection and Area of Origin statutes are not even mentioned as a part of the Regulatory Framework. We can only conclude they are to be ignored as they have been to date, which is unacceptable. Sadly, the promises made to the areas of origin at the time of construction of the Central Valley Project and the State Water Project have not been kept.

We are, however, encouraged by the inclusion of surface and groundwater storage among the alternatives and particularly the various projects which might utilize groundwater storage specifically for eastern San Joaquin County. However, that alone does not recognize the applicable concepts of area of origin and watershed protection. The inclusion of groundwater storage projects, including those benefiting areas of origin, could provide an indirect recognition of watershed and area of origin rights if funds were made available to assist with those projects. We have examined the Financing Plan and, while we find a

suggestion that financial assistance may be provided, it is not a clear statement, and we would ask that the matter be clarified.

While we are pleased with the various mentions of the San Joaquin River in the documents, we are concerned, however, that no overall strategy to deal with the San Joaquin River is put forth. We were very disappointed to read at page 42 of the Revised Phase II Report that CALFED will not pursue, or even consider, a San Joaquin Valley Drain because it is beyond the scope of the CALFED program. We are baffled as to why a drain would be beyond the scope of a program directed to "fixing" the problems of the Delta and which considers many alternatives, both structural and non-structural, to address California water problems. We continue to believe that a drain is an integral part of a solution and we are mystified as to why CALFED neglects even a consideration. I want to make it clear we do not contemplate a drain to the Delta, to San Francisco Bay, nor to Monterey Bay but rather a drain terminating offshore in the ocean currents.

The San Joaquin River as it exists today has a major negative impact on the Delta and on the water supply for much of the state. We believe the CALFED process should, at a minimum, adopt and pursue the following principles:

1. There must be a comprehensive plan to resolve San Joaquin River water quality problems.
2. The San Joaquin River plan must be based on the premise that all adverse impacts caused by the State Water Project and the Central Valley Project shall be fully mitigated

by those projects.

3. The plan must recognize and adhere to California's area of origin and watershed protection laws.

4. The Regional Water Quality Control Board, Central Valley Region, Basin Plan for Salinity and Boron, including areas upstream of the Merced, must go forward and be completed by March of 2000. Timely completion is dependent upon sufficient funding. To the extent necessary, CALFED should support the process.

5. Funding and completion of a Total Maximum Daily Load process for dissolved oxygen in the San Joaquin River is also essential. In addition, the dissolved oxygen problem must be addressed both by increased flows and corrections in the direction of flow.

6. By various means, with the help of CALFED, the USBR must secure water to meet the 1995 Water Quality Plan Objectives at Vernalis from sources other than New Melones to, in turn, permit New Melones to meet the needs within its service area and to satisfy watershed and area of origin needs, including the needs of the New Melones contractors.

7. As discussed above, the Drain and/or other means of disposing of salinity outside of the San Joaquin River must be explored and implemented.

8. The Water Quality Objectives for Agricultural Beneficial uses at Vernalis should be met.

9. The operation of New Melones must comply with the 1987 Fish and Game Agreement without negatively affecting the Vernalis Salinity Objective and the entitlements of the New Melones contractors.

The Preferred Alternative selects a Delta alternative rather than an isolated canal. We support this conclusion, but we note with concern that the various documents make frequent reference to the possible use of an isolated facility in the future. It is therefore appropriate to reiterate the strong opposition of San Joaquin County to any form of an isolated facility.

We have previously expressed our concern with the conversion of Delta agricultural land to wetlands or other non-agricultural use. The present documents do not address our previous concern. The economic impacts to individuals and to the San Joaquin County economy as a whole must be addressed and those impacts are not addressed in the present draft, resulting in a significant inadequacy. While the County is diversified, agriculture is now, and will remain, our basic industry. Accordingly, our Board has a strong policy of protecting agricultural land.

There has long been underway the negotiation of a settlement to pending litigation brought by the South Delta Water Agency involving the operations of the Central Valley Project and the State Water Project. A settlement had been reached. CALFED now seems to unsettle the plan, in turn, with a plan that negatively impacts water supplies and water

levels in the South Delta. Among other things, the Grant Line Canal Barrier is, at best, delayed for seven years. The mere construction of the barriers is not enough; they must be operated when needed. Operation of the barriers should be governed by a committee of interested parties including representatives of local interests.

It appears using the Delta Mendota Canal for recirculating water to improve San Joaquin River water quality reaching the Delta while decreasing the burden on New Melones to the benefit of both eastern San Joaquin County and the South Delta is possible. Unfortunately, the concept is, at best, merely kept open in the current documents.

Thank you for allowing me to present the concerns of San Joaquin County.